

REMARKS

Applicants have received the Office Action dated December 2, 2009, in which the Examiner: 1) rejected claims 1, 4, 6-11, and 13-28 under 35 U.S.C. § 103(a) as obvious over Hyduke (U.S. Pat. No. 5,051,938, hereinafter “Hyduke”) in view of Kunda (U.S. Pat. No. 5,570,376, hereinafter “Kunda”); 2) objected to claim 12, but indicated allowance of the claim if it was rewritten in independent form; 3) rejected claim 7 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite; and 4) rejected claims 22-28 under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter.

With this Response, Applicants cancel claim 12 and add new claim 29. Based on the amendments and arguments herein, Applicants respectfully submit that all pending claims are in condition for allowance.

I. 35 U.S.C. § 103(a) REJECTIONS IN VIEW OF HYDUKE AND KUNDA

Claim 1 requires, “generating an expected output signal, corresponding to said transaction record, based at least in part on said input signal.” The combination of Hyduke and Kunda fails to teach this limitation in its entirety. The Examiner maps the requirement of an “expected output signal” to Hyduke, col. 3, II. 50-53 and col. 5, II. 22-60. Hyduke’s expected output signal, however, does not “correspond[] to [a] transaction record,” as claimed. The Examiner maps the claimed “transaction record” to Hyduke, col. 3, II. 54-68. Hyduke’s teaching there, however, pertains to data tables that translate circuit schematics into a table format. They do not pertain to “transactions” of any type, nor do they include storage for “expectation records” of any type. As stated, they are merely circuit schematics represented in a different format.

The Examiner also maps the claimed “transaction record” to Kunda, col. 7, II. 56-65. Here, Kunda discusses “fault dictionaries” which relate specific test vector bits to corresponding faults within a chip. These fault dictionaries do not correspond to the expected output signals as claimed, however, because the fault dictionaries relate to incorrect outputs (the various incorrect outputs listed in the

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fault directory help offer clues as to where circuit problems may lie), while the expected output signal is the correct output. This is known to be true because Kunda teaches that the expected output signals (the correct signals) are compared to the actual output signals to determine the faulty test bits. Thus, the expected output signals are used as a benchmark with which the accuracy of actual output signals are measured.

Thus, the combination of Hyduke and Kunda fails to teach or suggest the limitation, “generating an expected output signal, corresponding to said transaction record, based at least in part on said input signal.” For at least this reason, independent claim 1 and all claims dependent on claim 1 are patentable over the combination of Hyduke and Kunda.

Independent claim 4 requires, “program code for generating an expectation of an event, corresponding to said transaction record, based at least in part on said stimulus, wherein said event is expected to be generated by said agent as a result of said stimulus.” As explained above with respect to claim 1, the combination of Hyduke and Kunda fails to teach or suggest such a limitation. Thus, claim 4 and all claims depending on claim 4 are patentable over the combination of Hyduke and Kunda.

Independent claim 22 requires, “means for generating at least one expected outgoing message, correlated to said transaction record, that should be produced by said agent in response to said incoming message, wherein said at least one expected outgoing message is generated at least in part based on said at least one incoming message.” As explained above with respect to claim 1, the combination of Hyduke and Kunda fails to teach or suggest such a limitation. Thus, claim 22 and all claims depending on claim 22 are patentable over the combination of Hyduke and Kunda.

II. OBJECTIONS

Applicants present new claim 29. Independent claim 29 includes the limitations formerly present in dependent claim 12, which Examiner found to be allowable. Thus, claim 29 is patentable over all prior art.

III. REJECTIONS UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner disapproves of Applicants' use of the term "snoop response" in claim 7 because the term is allegedly indefinite. As Applicants already established in the previous Response, however, the term "snoop response" is well-known and requires no further elaboration. The Examiner states that on "page 12, Applicants provide two distinct definitions of the term 'snoop response' and Applicants assert that 'the following Internet searches are not intended to provide an official definition of the term 'snoop response.'" Therefore, it is not clear to the Examiner of what the Applicants refer to by 'snoop response.'"

Applicants respond by explaining that in the aforementioned previous Response, Applicants provided many examples of the popular use of the term "snoop response" to establish that the term is well-known and requires no further explanation. Applicants included a caveat that none of the examples were being included to provide an "official definition" of the term "snoop response" because Applicants intended and still intend to preserve a broad construction of the term "snoop response," including all applicable equivalents. The mere fact that the term "snoop response" can have more than one precise definition does not render the term indefinite. For example, various patented claims might use the term "processor," which can be interpreted to mean many things, but the mere fact that the term "processor" can mean many things does not render it indefinite. Instead, the term "processor" is rendered definite at least in part because it, like the term "snoop response," is a well-known term and requires no further explanation. Therefore, Applicants respectfully ask the Examiner to remove this rejection.

IV. REJECTIONS UNDER 35 U.S.C. § 101

The Examiner rejects claim 22, arguing that claim 22 is a means plus function claim and that the only corresponding “means” recited in the specification is software. Therefore, the Examiner concludes, the claim is not directed to statutory subject matter.

Applicants respectfully traverse. As the Examiner no doubt understands, a means plus function claim is written pursuant to 35 U.S.C. § 112, sixth paragraph, which provides that a means plus function claim “... shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof” (emphasis added). Thus, while certain embodiments of the Applicants’ claimed means may include software, the claim encompasses all equivalents thereof. Nothing in the statutory language restricts such equivalents to being software per se; therefore, one or more of the claimed means may include software, hardware, or combinations thereof. In any case, due to the generous language of 35 U.S.C. § 112, sixth paragraph, claims 22-28 certainly include statutory subject matter and Applicants respectfully ask the Examiner to withdraw these rejections.

V. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are

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hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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